

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Seiichi Mizukoshi, et al

ORGANIC EL DISPLAY
APPARATUS

Serial No. 10/599,029

Filed 18 September 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Group Art Unit: 2629

Examiner: Koosha Sharifi-Tafreshi

Sir:

Response

In response to the restriction requirement mailed October 15, 2009,
Applicants elect Species 2; FIG. 6, Claims 1–7 with traverse.

The claims corresponding to each Species are:

Species 1: 1–5

Species 2: 1–7. Note that the current detection means of claims 6
and 7 is depicted on FIG. 6, but claims 1–5 all read on FIG. 6.

The Examiner states that Species 1 (FIG. 4) and Species 2 (FIG. 6)
have mutually exclusive characteristics. MPEP 806.04(f) "Restriction Between
Mutually Exclusive Species" (R-3) reads as follows (emphasis added):

Where two or more species are claimed, a requirement for
restriction to a single species may be proper if the species are
mutually exclusive. Claims to different species are mutually
exclusive *if one claim recites limitations disclosed for a first
species but not a second, while a second claim recites limitations
disclosed only for the second species and not the first.* This may
also be expressed by saying that to require restriction between
claims limited to species, the claims must not overlap in scope.

Applicants believe every feature of FIG. 4 is present in FIG. 6,
either explicitly or implicitly, and that therefore FIGS. 4 and 6 are not mutually
exclusive.

FIG. 4 and FIG. 6 depict all the same parts, except for 20, 22, 28 and 34, and "CV CURRENT" from display panel 10 to node CV, which are features of FIG. 4 not explicitly present in FIG. 6. All these features, however, are implicitly present in FIG. 6.

Publication para. 25 (application as filed pg. 5 line 19 et seq.) teaches that part 20 is simply a convenient shorthand for parts 20R, 20G and 20B, taken together or respectively. The same is true of part 22 (22R, 22G, 22B: para. 41; pg. 9 line 8); part 28 (28R, 28G, 28B: para. 41, pg. 9 line 9); and part 34 (34R, 34G, 34B: para. 58; pg. 13 line 3, pg.6 line 22).

Publication para. 48 (pg. 10 line 24) says "a voltage drop according to the CV current occurs in the resistor R1." Therefore, referring to FIG. 6, the CV current must be flowing in the wire from display panel 10 to resistor R1. This is the same wire that is labeled "CV CURRENT" on FIG. 4.

Therefore, every feature of FIG. 4 is present in FIG. 6, so Species 1 (FIG. 4) and Species 2 (FIG. 6) are not mutually exclusive. For this reason, Applicants believe that the requirement for restriction to a single species is in error.

Furthermore, Applicants note that a relationship between FIG. 4 and FIG. 6 is disclosed in the application (para. 52; pg. 11 lines 25–27): "Then, the CPU 44 [of FIG. 6] calculates line-by-line correction gain and offset according to the detected amounts of current and stores these values in the memories 26 and 32 [of FIG. 4]" [Applicants' remarks]. However, Applicants can find nothing in the Office action discussing this relationship and justifying the restriction as required by MPEP 801.01a.

Finally, with regards to PCT Rule 13.2, cited by the Examiner, the rule reads (quoted from MPEP 1850 (R-7), emphasis added):

PCT RULE 13.2.

Circumstances in Which the Requirement of Unity of
Invention Is to Be Considered Fulfilled

Where a group of inventions is claimed in one and the same international application, the requirement of *unity of invention* referred to in Rule 13.1 *shall be fulfilled* only when there is a technical relationship among those inventions involving one or more of *the same or corresponding special technical features*. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

The Written Opinion of the International Searching Authority does not contain any Box IV statement of lack of unity of invention. Indeed, Claim 5 was deemed to possess novelty and inventive step, and therefore includes a special technical feature ("[storing] a correction value for each of horizontal or vertical lines"). In various embodiments of the invention, this special technical feature can be practiced in both FIGS. 4 and 6 (para. 31; pg. 7 lines 10–16). Therefore, both Species 1 (FIG. 4) and Species 2 (FIG. 6) can share this special technical feature, and are believed to satisfy the requirements of PCT Rule 13.2.

Applicants therefore believe that the requirement for restriction to a single species is in error, and request reconsideration and removal of this requirement.

If there are any questions regarding this matter, Applicants' attorney would appreciate a telephone call.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.